

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 25-30 and 34 have been canceled without prejudice. Claims 1-24, 31-33, 35, and 36 are pending in this application.

### **35 U.S.C. § 102**

Claims 1-3, 8-11, 14-16, 18-20, and 22-24 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,530,752 to Rubin (hereinafter "Rubin"). Applicant respectfully submits that claims 1-3, 8-11, 14-16, 18-20, and 22-24 are not anticipated by Rubin.

Rubin is directed to systems and methods for protecting software from unlicensed copying and use (see, Title). In Rubin, an Encryption Conversion Process (ECP) removes lines of code from an object code module and replaces the removed lines of code with a privileged request which, if executed, will cause a trappable error (see, col. 5, lines 10-17). The ECP also encrypts the removed lines of code and stores the encrypted lines of code within a data area (see, col. 5, lines 21-22). An Executable Object Code System Program which includes the object code module with such encrypted lines of code is thus disabled, and during the execution of the Executable Object Code System Program, if a branching instruction to the object module is encountered, a trappable error will occur (see, col. 6, lines 17-22 and col. 6, line 65- col. 7, line 1). Similarly, the trappable error will produce an error message informing the end user that he does not have a valid license to utilize the object module (see, col. 7, lines 1-3).

With respect to amended claim 1, claim 1 is directed to an installation module comprising:

- an encrypted software module that is a first version of the software module;

- a decryption key to decrypt the encrypted software module;
- and

- an executive for using the decryption key to decrypt the encrypted software module when at least one of a set of trigger files is stored on a computing system and to install the first version of the software module on the computing system when at least one of the set of trigger files is stored on the computing system, wherein each of the trigger files indicates authorization to install the encrypted software module, and wherein the first version of the software module has greater than a threshold strength encryption;

- wherein a second version of the software module is installed if at least one of the set of trigger files is not stored on the computing system, and wherein the second version of the software module has a strength encryption that is not greater than the threshold strength encryption.

Applicant respectfully submits that Rubin does not disclose an executive for using the decryption key to decrypt the encrypted software module when at least one of a set of trigger files is stored on a computing system and to install the first version of the software module on the computing system when at least one of the set of trigger files is stored on the computing system, wherein each of the trigger files indicates authorization to install the encrypted software module, and wherein the first version of the software module has greater than a threshold strength encryption, wherein a second version of the software module is installed if at least one of the set of trigger files is not stored on the computing system, and wherein the second version of the software module has a strength encryption that is not greater than the threshold strength encryption as recited in amended claim 1.

Applicant respectfully submits that there is no discussion or mention in Rubin of different versions of a software module having different strength encryptions as recited in amended claim 1. For at least these reasons, Applicant respectfully submits that amended claim 1 is not anticipated by Rubin.

Given that claim 8 depends from amended claim 1, Applicant respectfully submits that claim 8 is likewise allowable over Rubin for at least the reasons discussed above with respect to amended claim 1.

With respect to amended claim 2, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Rubin does not disclose an executive for decrypting and installing the encrypted software module with the key when at least one of a set of trigger files is stored on a computing system, wherein the encrypted software module has greater than a threshold strength encryption, wherein a different version of the software module is installed when at least one of the set of trigger files is not stored on the computing system, and wherein the different version of the software module has a strength encryption that is not greater than the threshold strength encryption as recited in amended claim 2. For at least these reasons, Applicant respectfully submits that amended claim 2 is not anticipated by Rubin.

Given that claim 3 depends from amended claim 2, Applicant respectfully submits that claim 3 is likewise allowable over Rubin for at least the reasons discussed above with respect to amended claim 2.

With respect to amended claim 9, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Rubin does not disclose an executive for decrypting the encrypted software module with the

decryption key when at least one of a set of trigger files is stored on a computing system, wherein each file of the set of trigger files indicates authorization to load the software module onto a computing system, and wherein the first version of the software module has greater than a threshold strength encryption and a setup program for invoking the executive and loading the decrypted software module onto the computing system when at least one of the set of trigger files is stored on the computing system, and wherein the setup program is further for loading a second version of the software module if at least one of the set of trigger files is not stored on the computing system, wherein the second version of the software module has a strength encryption that is not greater than the threshold strength encryption as recited in amended claim 9. For at least these reasons, Applicant respectfully submits that amended claim 9 is not anticipated by Rubin.

Given that claims 10, 11, and 14 depend from amended claim 9, Applicant respectfully submits that claims 10, 11, and 14 are likewise allowable over Rubin for at least the reasons discussed above with respect to amended claim 9.

With respect to amended claim 15, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Rubin does not disclose decrypting an encrypted software module using a decryption key included with the encrypted software module when at least one of a set of trigger files is stored on a computing system, wherein the encrypted software module has greater than a threshold strength encryption, loading the decrypted software module onto the computing system when at least one of the set of trigger files is stored on the computing system, and loading a different version of the software module onto the computing system when none of the set of trigger files is stored on the computing

system, wherein the different version of the software module has a strength encryption that is not greater than the threshold strength encryption as recited in amended claim 15. For at least these reasons, Applicant respectfully submits that amended claim 15 is not anticipated by Rubin.

Given that claims 16, 19, 20, 22, and 23 depend, directly or indirectly, from amended claim 15, Applicant respectfully submits that claims 16, 19, 20, 22, and 23 are likewise allowable over Rubin for at least the reasons discussed above with respect to amended claim 15.

With respect to amended claim 18, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Rubin does not disclose decrypting an encrypted software module when at least one of a set of trigger files is stored on a computing system, wherein the encrypted software module has greater than a threshold strength encryption, wherein the decrypting includes retrieving a cryptographic key from a database of an installation module that includes the encrypted software module and using the retrieved key to decrypt the encrypted software module, loading the decrypted software module onto the computing system when at least one of the set of trigger files is stored on the computing system, and loading a different version of the software module onto the computing system when none of the set of trigger files is stored on the computing system, wherein the different version of the software module has a strength encryption that is not greater than the threshold strength encryption as recited in amended claim 18. For at least these reasons, Applicant respectfully submits that amended claim 18 is not anticipated by Rubin.

With respect to amended claim 24, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Rubin does not disclose to decrypt an encrypted software module when a trigger file is stored on a computing system, wherein the trigger file comprises a prior version of the encrypted software module, and wherein the encrypted software module has greater than a threshold strength encryption, load the decrypted software module onto the computing system when at least one of the set of trigger files is stored on the computing system, and load a different version of the software module onto the computing system when at least one of the set of trigger files is not stored on the computing system, wherein the different version of the software module has a strength encryption that is not greater than the threshold strength encryption as recited in amended claim 24. For at least these reasons, Applicant respectfully submits that amended claim 24 is not anticipated by Rubin.

Applicant respectfully requests that the §102 rejections be withdrawn.

### **35 U.S.C. § 103**

Claims 4, 6, 12, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rubin in view of U.S. Patent No. 6,058,478 to Davis (hereinafter “Davis”). Applicant respectfully submits that claims 4, 6, 12, and 21 are not obvious over Rubin in view of Davis.

Claims 4, 6, 12, and 21 depend from independent amended claims 2, 1, 9, and 15, respectively. Applicant respectfully submits that claims 4, 6, 12, and 21 are allowable over Rubin due to their dependencies on one of amended claims 2, 1, 9, and 15 discussed above. Davis is not cited as curing, and does not cure, the

deficiencies of Rubin discussed above with respect to amended claims 2, 1, 9, and 15. For at least these reasons, Applicant respectfully submits that claims 4, 6, 12, and 21 are not obvious over Rubin in view of Davis.

Claims 7 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rubin in view of Davis and further in view of U.S. Patent No. 5,825,890 to Elgamal et al. (hereinafter “Elgamal”). Applicant respectfully submits that claims 7 and 13 are not obvious over Rubin in view of Davis and Elgamal.

Claims 7 and 13 depend from claims 6 and 12, respectively. Applicant respectfully submits that claims 7 and 13 are allowable over Rubin in view of Davis due to their dependencies on one of claims 6 and 12 discussed above. Elgamal is not cited as curing, and does not cure, the deficiencies of Rubin in view of Davis discussed above with respect to claims 6 and 12. For at least these reasons, Applicant respectfully submits that claims 7 and 13 are not obvious over Rubin in view of Davis and Elgamal.

Claims 5 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rubin in view of U.S. Patent No. 5,199,073 to Scott (hereinafter “Scott”). Applicant respectfully submits that claims 5 and 17 are not obvious over Rubin in view of Scott.

Claims 5 and 17 depend from independent amended claims 2 and 15, respectively. Applicant respectfully submits that claims 5 and 17 are allowable over Rubin due to their dependencies on one of amended claims 2 and 15 discussed above. Scott is not cited as curing, and does not cure, the deficiencies of Rubin discussed above with respect to amended claims 2 and 15. For at least these

reasons, Applicant respectfully submits that claims 5 and 17 are not obvious over Rubin in view of Scott.

Claims 26, 31, and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rubin in view of U.S. Patent No. 6,075,862 to Yoshida et al. (hereinafter “Yoshida”). Claim 26 has been canceled without prejudice, thereby rendering the rejection of claim 26 moot. Applicant respectfully submits that claims 31 and 33 are not obvious over Rubin in view of Yoshida.

With respect to claim 31, claim 31 recites, in part:

determining, based on the checking, which of multiple versions of a software module to install on the computer, the multiple versions having multiple different strength encryptions, wherein a first version of the multiple versions has greater than a threshold strength encryption, and wherein a second version of the multiple versions has not greater than the threshold strength encryption;

Applicant respectfully submits that no such determining is disclosed or suggested in either Rubin or Yoshida.

As noted in the April 14 Office Action at p. 7, Rubin does not disclose the software package containing multiple versions of software programs. Thus, Rubin cannot disclose or suggest the determining of claim 31.

The cited portion of Yoshida, on the other hand, discusses a software vendor packaging a non-encrypted demonstration version of software for demonstrating the encrypted software content (see, col. 2, lines 6-13). This allows the user to try and see if the software is worth purchasing before actually purchasing the software (see, col. 2, lines 13-16). The user receives a decryption key in exchange for the payment of the software usage charge for a desired software, and installs this software into a hard disk device of his own computer by



decrypting the encrypted software content using the received decryption key (see, col. 5, lines 17-21).

Thus, it can be seen that Yoshida is directed to a system in which there are two versions of software: a demonstration version and a non-demonstration (encrypted) version. Applicant respectfully submits that the mere disclosure of a demonstration version and a non-demonstration version of software does not make any disclosure or suggestion of two versions having two different strength encryptions. Nowhere in Yoshida is there any mention or discussion of the two versions of software being versions that have two different strength encryptions as recited in claim 31. Absent such mention or discussion, Applicant respectfully submits that Yoshida cannot disclose or suggest the determining of claim 31.

For at least these reasons, Applicant respectfully submits that claim 31 is not obvious over Rubin in view of Yoshida.

Given that claim 33 depends from claim 31, Applicant respectfully submits that claim 33 is likewise allowable over Rubin in view of Yoshida for at least the reasons discussed above with respect to claim 31.

Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Rubin in view of Yoshida and further in view of U.S. Patent No. 6,327,660 to Patel (hereinafter “Patel ‘660”). Applicant respectfully submits that claim 32 is not obvious over Rubin in view of Yoshida and Patel ‘660.

Claim 32 depends from claim 31. Applicant respectfully submits that claim 32 is allowable over Rubin in view of Yoshida due to its dependency on claim 31 discussed above. Patel ‘660 is not cited as curing, and does not cure, the deficiencies of Rubin in view of Yoshida discussed above with respect to claim

31. For at least these reasons, Applicant respectfully submits that claim 32 is not obvious over Rubin in view of Yoshida and Patel '660.

Claims 35 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rubin in view of Davis and further in view of U.S. Patent No. 6,192,474 to Patel et al. (hereinafter "Patel '474"). Applicant respectfully submits that claims 35 and 36 are not obvious over Rubin in view of Yoshida and Patel '474.

Claims 35 and 36 depend from amended claims 1 and 2, respectively. Applicant respectfully submits that claims 35 and 36 are allowable over Rubin due to their dependencies on one of amended claims 1 and 2 discussed above. Yoshida and Patel '474 not cited as curing, and do not cure, the deficiencies of Rubin discussed above with respect to amended claims 1 and 2. For at least these reasons, Applicant respectfully submits that claims 35 and 36 are not obvious over Rubin in view of Yoshida and Patel '474.

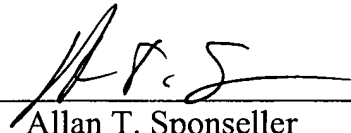
Applicant respectfully requests that the §103 rejections be withdrawn.

**Conclusion**

Claims 1-24, 31-33, 35, and 36 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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